

A
DISCOURSE
ON THE
ESTABLISHMENT
OF A
National and Constitutional
FORCE
IN
ENGLAND.

L O N D O N:

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DISCOVERED



EXHIBIT

NO. 1



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THE Constitution of every free Government is subject from time to time to a sort of dangerous Crisis ; which demands the attention of all who are concerned for its preservation ; a body, whose parts are so various, and so nicely framed, is by nature liable to frequent disorders. The fluctuation of Property, the change of Manners, or disposition in the People,

ple, and the shifting of Power from one neighbouring state to another, must variously affect it: In absolute Monarchies, evils of this kind seldom happen, and are easily removed by the interposition of that Power, whose Will is the simple and sole resource of such a Government; but in the more complicated Machine of a free State greater caution must be used; if the Constitution is only through Age impaired, it must be called back to its first principles; but if some new emergency has arisen, a new Remedy must be applied; such an one however, as is agreeable to the nature of the Constitution, and capable of being woven into the very spirit of it; lest it should chance to form an interest contrary to it, and in the event prove more fatal than the disorder.

The History of this country abounds with more of these critical periods than any other; and it is owing to the proper use our ancestors made of them, that our Government has long been advancing by various steps towards perfection: They withstood the repeated attempts both of Papal Innovation and Regal Oppression; and though their struggles frequently produced
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violent fevers in the State ; yet the Constitution always came forth in more perfect health, and some new security was obtained for our freedom : and whilst almost every other nation of Europe, who like us descended from one free and common stock, long ago became the subjects of arbitrary Power, and resigned their Liberty, this country has always proved a faithful Guardian of that sacred deposit, and has alone improved the Blessing.

Posterity however owe a double portion of acknowledgment to those great Statesmen, who directed our affairs at the Revolution, for contributing more at that time than any other to the perfection and security of our Constitution : nothing so much illustrates the wise conduct of these men, as comparing their establishments and regulations, with what was done at the preceding period of the Restoration :—Then we find little more than meer temporary expedients, calculated just to resettle the Exiled Family on the Throne ; the Rights of King and People were left unascertained ; and what little was done in favour of Liberty, had no sufficient security for its continuance ; the Wounds, that had been so long bleed-

ing, were so poorly and so ineffectually tamper'd with, that in a few years they opened again, and called for abler hands and more powerful remedies to heal them; such was the work of the Revolution—The wounds were then more deeply probed; the causes, that produced them, were endeavoured to be removed; lasting (and I hope they will prove perpetual) Ordinances were established, which so justly settled the various claims of Power, that almost seventy years have seen no farther dispute on that head: several of the regulations that were made at the Restoration were then repealed, some as unconstitutional, others as ineffectual; one Statute however whose purport was inadequate to the uses for which it was intended, remained without amendment; and by its deficiency render'd that happy settlement not fully compleat;—the Militia Act, which passed the thirteenth of *Charles* the second, was in itself a vague and ill concerted scheme; and the detestable policy of that, and a subsequent reign, was to disarm the People; and with the utmost art and application to render this Plan of a Militia still more useless, and if any methods were proposed to make it

it serviceable; the Court would never suffer them to be debated ; and such Officers as were more zealous than others in exercising their Companies were reprimanded, as Fomenters of Rebellion:—one could have wish'd therefore that those persons, to whom we were indebted for so many wise regulations in the year 1688, had plan'd some new Militia Law, more capable of execution, and more agreeable to the temper of our Constitution, than that, the defects of which they could not but have perceiv'd ; such a work would have compleatly crown'd this almost perfect Establishment; Liberty would then have rested secure, whilst her own Votaries held the sword, which gave her protection ; and *Britain* confiding in her own internal force, would have heard unalarm'd of any attempt, which a Foreign Power might threaten against her.

I pay so great a respect to the Patriots of that age, that I would willingly assign some excuse for this apparent neglect :—They might think perhaps, that the Nation was not as yet sufficiently calm to venture on putting arms in the hands of the People; the late storms had been violent, and were but just over ; and many, who condemn'd
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the conduct of the abdicated Prince, still retain'd a strange attachment to his person— At that time also *France* was just enter'd into a war with all her neighbours; and was likely to find so much employment for her troops on her own frontiers, as not to be able to spare any considerable number to invade this country: our ancestors therefore apprehensive of some danger at that time in the attempt, and not convinced of its immediate necessity, might perhaps leave this defect to be remedied, and more maturely considered by their posterity, giving them this opportunity of following their example, in framing wise regulations for the improvement of their country, by constituting such a Militia, as would be sufficient for its defence, but in no respect dangerous to its constitution; whenever the nation should be in a better temper to receive it, and our situation in regard to any foreign enemy should require its service.

Such is our present Condition; never was a free people more unanimous in their Attachment to Government; and whoever of suspicious Principles yet remain, think it either imprudent or unfashionable to profess openly their Opinions: We entered
into

into a War with universal Impatience; and stand singly against a powerful Neighbour, who alone has frequently baffled the united force of *Europe*, and whose numerous and unemployed troops are now ready to take every Opportunity that may offer to invade our Country:—To this we can oppose a powerful Fleet, which will, I hope, be sufficient to keep the Danger at a Distance; and yet, when we contend for so great a Stake, any Person not liable to be alarmed with unreasonable Apprehensions, would wish, that some farther security was provided, and that some internal constitutional Defence was established: which might preserve us not only from the Evil, but from (what in a commercial Kingdom especially is of no small consequence) the frequent terrors of it;—can we sufficiently wonder that a country like this, distinguish'd by such a variety of blessings, and where commerce has heaped up such immense stores of wealth, should be less careful of its own security, than almost any other nation upon earth — less even than those kingdoms, the miseries of whose governments make them hardly worth preservation? And yet when we consider the natural advantages which it enjoys, we shall find

find no Country, perhaps, more capable of its own defence ; it abounds in natives ; and, as an island, is not subject to any sudden or unexpected attack ; it wants no garrisoned Frontier to delay the approach of an enemy ; a sufficient time must always be given it to put any well concerted plan of defence into execution : as much however as we have been engaged in wars for these last seventy years, no such plan as this has as yet been established ; sudden, temporary and eventually destructive expedients have been the whole of our Ministerial Conduct ; we have just lived from year to year, and all our Political art has been to deliver ourselves in the last Winter from the difficulties which we had laid ourselves under in the preceding ; — To obviate, therefore, the plea or necessity of this fluctuating conduct, a plan of national Defence was proposed in the last Sessions of Parliament ; experience seemed then to shew the necessity of it ; and our situation requir'd the immediate use of it ; we were at vast expences, and yet we neither did or seemed able to do any thing : our Colonies were unprotected ; our Fleets were inactive, we even trembled for our Mother-country : the fate of this plan is too well known ;
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it obtained the unanimous consent of the Commons of *Great Britain*, and passed after various Amendments and mature deliberations the lower House of Parliament; and just, as it was on the verge of life, was crushed and rejected in the upper.

I meddle not with the Proceedings of those great Assemblies, to whose decisions I pay a proper deference, though I am unacquainted with their reasons; I shall only consider those arguments, which I have heard without doors urged against this plan by those very few, who were not favourers of it.

The first and principal Objection that has been made to this bill is, “ that it will abridge
“ the Prerogative of the Crown, to whom
“ the executive Power over the Militia is
“ said to have always belonged, by ob-
“ liging the King, before he calls it into
“ actual service, to communicate the oc-
“ casion thereof first to Parliament.”

I am sorry by this Objection to find a dispute again started; which so much divided the Lawyers and Antiquarians of the last century, and was one great cause of all the blood that was shed in those unhappy quarrels; especially as the various claims of Power seem to be fairly compromised

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by this Clause ; the command of the Militia being given neither to the Crown, nor to the Legislature separately ; the principal part, however, of the execution being lodg'd in the King, subject in the case alone of calling them out, to one restriction from the Parliament : and if the sentiments of the wisest men, unsupported by arguments, could singly have any weight on a rational mind, I could safely rest this point on the opinions of Mr. *Seldon* and Mr. *Whitlock*, the first of whom spoke so warmly in the House of Commons against the sole power that was claimed by *Charles* the First over the Militia, that the Court imputed to the influence of his arguments more than any thing else, the Vote that was pass'd against them on that head ; and the latter as plainly declared in the same place, “ that the power of the Militia was “ not, according to Law, solely in the Crown “ but in the King and Parliament jointly ; ” and yet these men were not looked upon as over-violent spirits in those days : *Charles* had so good an opinion of the former, that he design'd the highest employment of the Law in his favour : and whoever peruses the speech of the latter, from whence the
above

above sentiment is extracted *, will be sufficiently satisfied of his moderation.—That we may not however rely solely on the opinion of others, it may not be amiss to look a little into what accounts remain of the several sorts of Militia, that have existed in this Country : the subject is dark and abstruse; and yet some traces may perhaps from thence be discovered of the respective powers, that have in that particular been lodged either in King or People; and though our enquiries on that head should not be successful, they will lead us at least to the knowledge of those armies in which our ancestors placed their safety; and from what difference of policy it has arisen, that this kingdom, when neither so wealthy nor so populous as at present, had yet a greater internal force within it, and was more secure from foreign Invasions.

Our *Saxon* ancestors, as much as they are ridiculed for their ignorance and barbarity, were possessed of one piece of knowledge, superior in real use to many modern refinements, I mean that of wisely constituting civil societies; their military ef-

* See the speech in *Rushworth*.

tablishments were, however, the most distinguishing parts of their Governments ; by these they were all bound to the defence of their country, whenever it was attacked ; and the nature indeed of society seems to require, that they, who enter into it for the preservation of their property, should equally join in repelling any attempt that might be made upon it ; this obligation, therefore, was the common fealty and allegiance which every native owed ; and which, if neglected or refused, according to the old *Saxon* Law, rendered the party guilty of High Treason against his Country, and his estate under the penalty of forfeiture :—These were called forth into service as often as occasion required, by the command of the General Assembly or Gemot ; and so far was the chief Magistrate from having any authority in this respect, that as long as our ancestors remained in *Germany*, he was himself occasionally chosen by the same assembly, that gave orders for this Militia to march ; but when the *Saxons* came over into this island, and the office of principal Magistrate thro' the necessity of affairs, from temporary became

came perpetual, the power of the Militia still continued in the same hands; the King indeed went in and out before his People, and led them to battle; but he could not legally call them out into service without the common consent; and though on some urgent and extraordinary events the usual forms of government in those simple ages might be omitted, and the People confiding in their Prince might come forth at his sole motion to defend their Country; yet this they did upon consideration of the necessity, not from any opinion of the right: once a year they were constantly mustered; and when they went to war, they collected themselves together in those little bodies, called Decennaries, and thereby each man fought in the fight of his Relations or Associates: their rule of Discipline was strict, it was not however settled at the discretion of the Prince, but by the orders of the general Gemot.

At length, however, when the Feodal Tenures came to be grafted on the old *Saxon* constitution, another species of Militia was then in vogue more acceptable to Princes of an arbitrary turn of mind than the former, as being more subject to their
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commands; this may be termed the Feodal Militia, to distinguish it from the other, which I call the *Saxon* or National.

It is not necessary to my present purpose to consider how or at what time these Tenures first took their rise ; or by what means they came to be so universal ; it is sufficient to say, that during the reigns of the first *Norman* Kings they were at their greatest height ; of these Tenures Knights-service was the principal ; all who held by this, were subject by the law of Property to certain military Duties, and were under the command of the Crown, not so much as King of the Realm, as the great Lord Paramount of the Fee. In the time of the Conqueror they who held by Knights-service, were more than sixty thousand ; for that martial Prince having got the greatest part of the national property into his hands under the pretence of confiscation, granted it out as a reward to his Barons ; and they again subdivided it among their followers, subject always to that obligation of attending their Lords in the Wars. He even oblig'd the Ecclesiastical Fees to submit to these kinds of service : This species of Militia is so generally understood, that a short description

description of it will be sufficient—When the King call'd on his Barons ; they attended, and brought under their Banners all who held any military Fee under them ; who were by Law oblig'd to be constantly furnish'd with a proper portion of arms ; these were the common soldiers ; and the officers were certain Retainers, men, who were particularly devoted to the person of their Lords ; who lived in their houses, and subsisted by their bounty : Thus every regiment was a sort of family, of which the Baron was both Leader and Master ; all were oblig'd to a service of forty days at their own expence ; and if they continued longer in the field, the King was to pay them ; and whenever any one (as being a minor or thro' any other inability) could not serve in person, the King had possession of the Fee, and appointed a substitute in his stead : There were others besides these, who held lands under the obligation of protecting the borders of the Kingdom towards *Scotland* and *Wales*, whenever they were invaded ; and others who held a Tenure, called *Castle-guard*, because they were bound

to

to the defence of some particular Fortrefs in case of a siege.

Thus the Crown had got an Army at its disposal, which it could call out as often, though not for so long a continuance, as it desired ; and future Princes might hereby have render'd themselves absolute ; if the first *William* had not been guilty of one fortunate mistake, by dividing the shares of Property into too large parcels, making his Barons thereby so powerful, as to enable them frequently to refuse their services both to himself and his successors, and by that means to resist their oppressions.

But the Power of the Crown over this Militia cannot be urged as an argument in favour of the same claim over any other species ; since the persons, of whom this consisted, were bound to these duties, not as Subjects, but as Tenants ; not as Freemen, but as Dependants ; not from any principle of the Constitution, but only by the Law of Tenures ; as Tenants, they were distrain'd if they omitted their duty ; and as Tenants, they freed themselves from any further obligation, by quitting their Fee ; they held their lands by way of payment
for

for what they did; and their possessions were termed "Beneficia" Rewards: Militias of this sort are allowed of in the most absolute governments; such are at present the Zaims and Timariots of the *Turkish* Empire; what inference can therefore be drawn from all this, that can in the least relate to the present question, unless it be that the ill use, which Kings of an arbitrary disposition endeavoured to make of this body of men, too clearly proves; that such a power could never yet be entrusted for any space of time in those hands under any right or pretence whatsoever, without some danger arising to the constitution.

For these Tenures (which ought not to be considered as part of the original frame of our Government, but rather as an evil excrescence from it) proved for a long time a heavy Burden to the Freedom of this Country, and almost caused its Destruction; to these are to be imputed all the arbitrary Acts, that were performed by succeeding Kings, for two or three centuries; under pretence of these illegal Taxes were exacted, and oppressive courts were erected. The tenure itself is however totally now taken away by

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statute,

statute, and all its ill effects have perished with it.

As this new kind of Militia was the favourite of the Crown, the *Saxon* or National lay for some time very much neglected: we have, however, some distant traces of it in the time of *Henry* the Second, and *Henry* the Third; when certain Affizes or Assessments of Arms were made, which determined the particular portion, that each man was to have according to his possessions: but the first mention we meet thereof in our Statutes is in the thirteenth year of *Edward* the First, when it was enacted, "That all Natives should be arm'd
 " that were between the ages of fifteen
 " years and forty; they who had fifteen
 " Pounds a year in land, or forty Marks
 " in Goods, were to keep by them the Arms
 " of a Horseman; and they the whole of
 " whose possessions were inferior to twenty
 " Marks, were not to be without their
 " Sword and Battle-ax to defend their
 " country."—Constables were to be chosen twice every year, who in their respective Hundreds were to have the inspection of Arms, and to present Defaulters; and we
 are

are told at the beginning of this Statute, that this was no new Law or Institution, but all was done "according to the ancient Affize."

But when *Edward* the second succeeded his Father on the Throne, among the many other irregularities of his Government, he seems to have usurp'd a greater power over this Militia than the Law allow'd him; for at the resettlement of the Government in the first year of his Successor *Edward* the third, the Parliament again declared, that no one should be compelled to arm himself, but as the Custom was in former times; and the latter part of this Statute contains something necessary for our observation; for it is there enacted, "that none
" shall be distrained to go out of their
" Counties" (I use the words of the Statute roll) "unless because of the necessity of the
" sudden coming of strange Enemies in-
" to the Realm:" So that though the Parliament did hereby impower the King to call out the Militia on an urgent occasion; yet they shew'd, that they would themselves be "judges of that occasion", and that no original Right or Power of that nature was in the Crown, but such only as

they were pleas'd to allow it; and so cautious were they in this respect, that they would not let " necessity in general " stand, as the Foundation of this Grant, but they were resolv'd to explain " this necessity " themselves.—It should be only " the coming of foreign Enemies into the Realm " so that it did not relate " —to domestic " Troubles or Rebellion ;" it should also be " the sudden coming ;" so that probably the Invasion must be actual, before they could be drawn out of their Counties, and not the apprehension of it only ; it must not be of public notoriety, or of which any preceding Information could be obtain'd ; for in such case the ordinary course of Parliament must be taken ; and as a proof of this, we find that two Acts were passed in this Reign expressly for calling out the Militia on two particular occasions ; sometimes the Parliament would confine these arrays to the Counties on this side the *Humber* ; and sometimes to those adjoining to the sea ; and so tenacious were our Ancestors of all their legal Rights, that we find them again insisting on this same Doctrine in the twenty fifth year of this Reign, and very particularly distinguishing the difference of
 autho-

authority, which the Crown could legally exercise over the Feodal or over the National Militia.

When this great King was gone to rest, his Grandson *Richard* the second succeeded to the Crown, a Prince unlike his Predecessor in every Regal Accomplishment, but much resembling the second *Edward* both in failings and fate; like him also he seems to have transgressed the bounds the Parliament gave his power over this Militia; so that our Ancestors found it necessary again to reassert their Rights in this respect, and in the fourth year of his Successor *Henry* the Fourth to re-enact all the preceding Acts of Parliament that relate to it; and the Commons Petition, on which this Statute is grounded, concludes with these emphatical Words, " that all the Commissions and
 " Writs made contrary to the said Statutes
 " (concerning the Militia), and all the Indictments and Accusations, Obligations
 " and Ties made by Colour of the said
 " Commissions and Writs, with all the
 " Dependings and Circumstances thereto belonging, be cancelled, revoked, quash'd,
 " and disannull'd for ever, as things made
 " against

“ against Law, and that they may not be
 “ taken for example in time to come.”—
 With what free and bold expressions does
 this Parliament teach us to assert our own
 Rights, and to take care, that from any
 timed acquiescence of ours no ill conse-
 quence should arise, that may affect the
 Freedom of our Posterity ?

I find little to our present purpose in the
 several following Reigns;—*Henry* the fifth
 was constantly engaged in Foreign Con-
 quests, and all his successors to *Henry* the
 seventh in civil Contentions, in neither of
 which the national Militia could have any
 concern ; the Annals therefore of these
 times are totally silent about it : — Neither
 will *Henry* the seventh, who succeeded to
 these troublesome days, afford us much
 matter on this head ; the ancient Laws re-
 main'd unalter'd, though the execution of
 them was not greatly perhaps regarded.
 This King was of too arbitrary a turn of
 mind to be fond of a national Militia : every
 part of the Constitution was declining apace,
 and *Henry* and all his descendants of the
 family of *Tudor*, made too frequent infringe-
 ments

ments upon it; troops were of this sort beginning now indeed to be unfashionable in *Europe*; *Lewis* the eleventh had lately establish'd a standing Force in *France*; and *Henry*, who had spent his days of exile in that part of the world, had learnt from thence, how unfit a constitutional Militia was for the illegal purposes of Prerogative; he endeavour'd therefore to constitute a new species of his own, and having sold variety of Annuities, and granted great numbers of Patents he got the Parliament twice in his reign to declare, that all his Annuitants and Patentees were oblig'd by reason and duty to attend him to his wars, whensoever or wheresoever he called upon them; and his People seem to have been glad to be quit with him by this concession only, whose arbitrary views from the wording of the Preambles of these Statutes appear to have extended much farther; but as it is not probable that these his Pensioners could form any considerable strength; the chief use, which this avaricious Prince made of these Acts, was to fleece his own creatures under pretence of Fines and Compositions; these Statutes however continued no longer in force than his Life.

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The next material particular, that concerns the Militia we meet within the Reign of Queen *Mary*; in the fourth year of which we find that a new Assessment of Arms was made upon the People according to their Possessions; that, which had been made so long ago as the thirteenth of *Edward* the first, remain'd still in force; the proportions of it were however become very unequal; as Property had since that time very much increas'd in value, and passed through various alterations; — This last Assessment pursued the same plan as the former, and assessed not only the Possessors of Lands, but also of Goods; and went so low, that he, whose wealth exceeded not the value of Ten Pounds in Chattels, was comprehended in it; but this Statute, by reason of the too great proportions which it imposed, lasted not long; for in the first year of *James* the first it was repeal'd; and by the twenty fifth of the same King the thirteenth of *Edward* the first was also taken away.

So that this Species of a Militia seems by these repeals to have been wholly extinguish'd; and though that great obligation (which every member of society must always

ways be under, and which was one of the first principles of our Constitution,) of being oblig'd to defend the Community, whenever it was attack'd, could not but still subsist; yet as no positive Law was left to direct the subject in what manner he was to give his Assistance; the whole remain'd in confusion and uncertainty, and from hence in part arose that variety of opinions on this head, and those unhappy Contentions, which we meet with in the succeeding Reign.

When however I look back upon the short account I have been able to collect of those kinds of Militia, that have been established in this country, I cannot help at the same time but acknowledge, that some of the worst of our Kings did but very imperfectly conform to the rules, that were prescrib'd to them in this respect; and I am conscious, that some Writs or Commissions may perhaps be produced to prove, that they sometimes exercised an absolute power over the Militia; but these, if they are not founded on some law, shew only what they did, not what they ought to have done; and are proofs not of a Right, but a Usurpation: Our Constitution was al-

ways free, but the power of the Crown was not always sufficiently circumscribed ; Parliaments did not always speak in so loud a tone as at present, and Kings would sometimes speak in a louder ; and in the intervals of the former they would order out illegal Writs, which can be consider'd only as the declarations of the Crown ; and that ought not I am sure to be judge in its own concern ; and as no Statute can be found on which these Writs can be established, we may fairly conclude with the honest Commons in the reign of *Henry the fourth*, “ that all such are null for ever as made against Law, and ought not to be taken for example in time to come ; ” the frequent transgressions of Kings against these Militia Laws, oblig'd our Ancestors, as we have shewn so frequently, to re-enact them ; this however does not impair their credit, —The force of *Magna Charta* is by no means diminished, though repeated Usurpations oblig'd the People to insist more than thirty times on its confirmation.

From what has been said I may be permitted, I hope, to conclude,—that the Constitutional Defence of this Nation has always consisted of its own Natives, drawn into the field, either as their Tenures oblig'd them,

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or as the Parliament directed ;—and that the people were formerly by law obliged to be arm'd, so far were they from having their Arms by Law taken from them—that the Feodal Militia was properly the Army of the King, the National Militia was the Army of the Kingdom ; over the first the power of the Crown was considerable; over the latter it had originally and absolutely no power, but such only as the Parliament was pleased to allow it ; who in the case of calling that Militia into service, were always judges of the occasion.—And lastly, that the National Militia met with encouragement or not, as the reigning monarch was well or ill intentioned towards his People ; the first and third *Edwards*, (Princes, whose memories will ever be revered, the one as the *Justinian* of this Country, the other, as its most accomplish'd Warriour) always favoured and encouraged it ; while *Edward* the second and *Richard* the second (those rivals in brutal lusts, folly, and oppression,) usurped upon the Rights of this body, and render'd ineffectual those good Statutes, which were passed for its preservation.

Permit me also here to make one farther observation on the care our Ancestors took

to keep this country in a state of defence : various Statutes were passed to prevent the exportation of Horses, others for the improvement of the breed, and to oblige persons of property to keep always a certain number by them ;—the price also of bows was determinately fixed by Law; the Makers of them were oblig'd to have never less than fifty ready made in their shops; and the materials of which they were formed were appointed by Parliament as a sort of Toll, without a certain quantity of which no Tun of Merchandise could from some countries be imported into this Kingdom; and as much as our Progenitors are famed for sometimes indulging their genius, a Butt of *Malmsey* could not find its way into their cellars, without a sheaf of arrows for its passport.

I pass now from the history of ancient Militias to give some account of that, which was established in their stead at the Restoration; the Favourers of the undue Prerogative of the Crown in this respect, lay great stress on the Preamble of the Militia act passed at that time, which says, “ that the power
“ of the Militia is solely and absolutely in
“ the King, and that neither House of
“ Parli-

“ Parliament can or ought to pretend
 “ to the same, or can lawfully wage
 “ any war either offensive or defensive
 “ against the Crown ;”—and to give the
 greater weight to this argument, much has
 been said of the wisdom of that Parliament
 which enacted it, and of the great cha-
 racters of the Earls of *Clarendon* and *South-*
ampton who had then the principal direction
 of affairs ;—It will be necessary therefore
 to consider the temper both of this Parlia-
 ment, and of the persons, who bore the
 greatest sway in it ; that we may know,
 how far we ought to rely on their opi-
 nions.

This Parliament, (to which the disgrace-
 ful name of Pensionary was given,) met first
 in the year 1661, and falsely imputing to
 the principle of resistance the preceding
 confusions, which were chiefly owing to the
 unreasonable passions and humours of some
 of those who resisted, run violently into
 the contrary extreme ; and by their Laws
 did not leave the People a possibility of
 withstanding any arbitrary Encroachments
 against their Privileges, whenever they
 should have cause to do it ; I need not en-
 ter into a long deduction of facts to prove
 this,

this;—besides the above recited preamble, the Oaths and Tests, which were then enacted are sufficient Testimonies of it; and *Algernon Sidney* allows the conduct of this Parliament to be an unhappy proof, that bodies of this sort may sometimes err; and even at the time it sat, some were bold enough to declare, “ that no Conveyancer “ could in more compendious Terms have “ drawn a dissettlement of the whole Birth- “ right of England.”

In the first Session of this Parliament this Militia Bill passed; it was not however without opposition as too much favouring the principle of Non-resistance; Mr. *Finch* the Attorney-General^{*} chiefly promoted it; it does not appear, that Lord *Clarendon* took any particular part in it; neither ought the sentiments of a man, who had acted through the whole civil wars as a partisan on the side of two encroaching monarchs, to be much regarded in a question of prerogative; it is certain however, that Lord *Southampton* objected to some parts of this Bill; this was one of those things, in which he check'd the over-hasty zeal of that forward assembly, and shewed he could be a good servant of

* *Finch*

was not

to till

10 May

1670

of the Crown without betraying the Rights of the People; he moved himself for an amendment in the Militia Oath (which contains the very same sense as the latter part of the Preamble expressed in terms perhaps less exceptionable) as too much encouraging Arbitrary Pretensions in the Crown; and though Lord *Anglesey* and a majority opposed this Amendment: yet it serves to shew, what opinion this noble patriot entertain'd of that test, and implies also what he thought of the Preamble; and even they who spoke against this alteration of the Oath, did not presume to argue against the Principle, upon which it was proposed; but urged, that the Nation would necessarily understand the Oath in the sense of the Amendment, tho' the words remain'd unaltered.

Many years did not pass before this House of Lords, who had thus rejected the opinion of their illustrious Member, seem'd to repent of their own Act, and passed another Militia Bill (which went also through the lower House) founded on very different principles, and placing the command thereof not in the same hands as the former, wherein they had paid so little attention to the prerogative of the Crown in this respect,

respect, that *Charles* the second refused to pass it, " because (as he himself expressed " it) he should thereby be deprived of a " power, which he would never consent to " part with even for half an hour."

We have already observed that the Affair of the Militia was very much neglected at the Revolution, and have shewn the reasons of it: the universal conduct however of the nation upon that event, shews clearly, that it was their opinion; that the power of arming the People was not so entirely in the Crown, but that they might as the last resource take up even offensive Arms against it; and we are not indeed wholly without a sort of parliamentary Decision in this particular, for by the first of *William* and *Mary* the Oath which declares it " to " be illegal to take up arms against any one " commission'd by the King" was repealed as unconstitutional; and as this Oath contains the same sense as the latter part of the Preamble; and as the former part of this last tends in the event to render any resistance to the most arbitrary oppressions impracticable, I shall leave it to the impartial to determine, how far the credit of the whole ought to be affected by this repeal;—the last
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time the necessity of a new Militia law was considered by the public was just after the treaty of *Ryswick*; when a long foreign war being ended, and the nation restored to peace, it was thought a proper opportunity to plan such a scheme, and it was most ardently wish'd for by all, who were of a true constitutional spirit; but the Court who then foresaw, that a necessity would from thence arise of disbanding a greater part of the standing army than was agreeable to it, prevented this wise design from taking effect; it appears however by some excellent tracts upon this question published at that time, that it was the opinion of the Patriots of that age, that the sole power granted to the Crown over the Militia by the 12th of *Charles* the second, was contrary to the first Principles of our Constitution, and ought in a new Bill to be vested in other hands.

Lay therefore all these Arguments together, the History of ancient Militias.—The declaration of several Parliaments before the Restoration.—The peculiar conjuncture in which the preamble of this Militia-Act was formed.—The temper of the assembly which enacted it.—The opinion of the Earl of *Southampton*, which has been

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most

most relied on, though not truly represented in this point.—And last of all, what can be collected of the sentiments of subsequent Parliaments and wise men since that period.—And then judge, whether all these ought not to outweigh the sole Preamble of an Act passed in a Parliament, which for its fervile compliances with the Crown has has been stiled the Pensionary, and whether on such a foundation alone the Legislature of this Kingdom ought to be deprived of a power, which cannot be lodged in other hands with any permanent security to the Constitution.

Reason indeed might alone convince us of the expediency of what I defend; for as the perfection of every well-constituted Society consists in the freedom and independence of the Legislative Body; it is easy to conjecture, that such a Body could not be free, and could not be absolute masters of their own Determinations, who should transfer the Power of the Sword out of their own hands into those of any other, whose temper would indeed be too mild to oppress them, but on whose Mercy they must depend for protection.

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One farther consideration has been urged on this occasion, which can never however with propriety be mentioned where the power of the Crown is debated, and that is the CHARACTER OF THE EXCELLENT PERSON who wears it;—the love of such a Monarch might induce a Loyal People to resign their Rights, if he had not too much virtue to accept them; not a wish for power has appear'd in any one action of his Reign; his subjects could not desire to be more free, than he would have them; he has shewn himself fully satisfied with the lawful Authority of a British King, whose peculiar happiness it is, that, to do good, his power is without bounds;—to do wrong he has constitutionally no power; so that in a political sense he may truly be said, to be blessed with the knowledge of Good, without being curst with that of Evil; whoever therefore would put him in a capacity of knowing the latter, is so far from being a friend to his Prince, that he is his great Enemy and Seducer; one, who would drive him from his state of innocence and perfection, and rob the Crown of its most distinguishing Prerogative; which makes it

more secure and glorious to him that wears it, than that of any absolute monarchy can be.

The second objection that has been made to the proposed scheme was, “ that it would
 “ alter the dispositions of the people of this
 “ Country.—Check the vein and inclina-
 “ tion they shew at present towards com-
 “ merce and manufactures—and convert
 “ a rich and peaceable nation into a mili-
 “ tary, and perhaps seditious people”;—I shall consider what opinion former precedents and reason would instruct us to entertain on this point.

There is something in the constitution of every absolute monarchy, that prevents its making any very considerable progress in Trade; in such States the enjoyment of property is too precarious; but I think it undeniable, that the Commerce of *Spain* and *France* arrived at the greatest height, of which the nature of such governments is capable, at the same time, that the dispositions of their people were most turned to war; and that the military and commercial glories of each Nation were nearly at their meridian together :—when *Spain* pro-
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duced the best soldiers of *Europe*, and her aim was Universal Empire, her commerce was also extensive ; the same spirit made her both brave and industrious, gave Courage to her Armies, and Life to her Manufactures, extended her dominions on the European Continent, and sent her to unknown climes in search of new wealth and new possessions ;—but when the glory of her arms was extinguished, her Commerce also decayed, and she became at once both lazy and unwarlike ; from the time of the Pyrenean Treaty *France* gained the ascendant in power, and at the same time received, as it were, from her rival an inclination towards trade ; the chief passion of her Natives seem'd then to be martial glory, and her armies were more numerous than those of any other Nation ; and yet during this conjuncture for the space of about forty years she made her largest advances in Trade :—I enter not into the reasons of this at present ; the fact alone is sufficient to prove, that a military spirit and a commercial disposition have sometimes met in the same People.

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But if we cast our eyes on the annals of Free States, which are more properly the nurseries of Commerce; we shall find the above truth illustrated in a stronger manner; no Country ever made in a few years so great a progress in Trade as the United Provinces; their shipping was at one time computed to be more than what belonged to all the rest of *Europe* put together; and yet their Wealth and Commerce increased in this prodigious manner, while they were engaged in a war of fifty years continuance in the heart of their own country; while most of their trading towns were Fortresses garrison'd by Burghers, and while the natives of this Republic from eighteen years of age to sixty were oblig'd by the Union of *Utrecht* to be arm'd and trained;—but since this first establish'd Militia has been neglected; since they trusted their defence to Foreign Mercenaries; and since of late they have hardly been defended at all; their Commerce has been gradually on the decline; Sir *William Temple* observes, that in his time it was past its meridian; and some approaching period perhaps may shew both this and their power setting together.

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Whoever also has but cursorily perused the History of our own Country must have observed, that those reigns, in which the martial spirit of our People has most appear'd, have been no less distinguished by the advances, that were then made in Commerce:—I shall instance only in the reign of *Edward* the third, when *Scotland*, *France*, and *Spain* felt the successful efforts of our Arms; when the National Militia was in vogue, often train'd, and frequently called into service; when the Legislature thought it an object worthy their attention, and passed several laws in its favour,—and what part of our annals can produce more good Statutes in support of trade? or did Commerce at any time take larger strides towards perfection?—This cannot be better proved than by observing, that in the 28th year of this King our Exports were to our Imports, as more than Seven to One; this was a surprizing Balance of Trade in our favour; and shews that our Manufactures must at that time have been in a flourishing condition, that our people were by no means idle, and that their Military Accomplishments, which they were ready at all times

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to exert in the service of the public, proved no obstruction to the attention, they otherwise paid to their domestic occupations.

But we need not enter into a long deduction of historical facts to prove this ; since reason, a better guide, will teach us, that a certain degree of Military strength in a nation is absolutely necessary as well for the encouragement as the Preservation of Trade. Commerce loves security, not such as can arise from the protection of another, but such as places the power in her own hands; and on which she can fully depend;—No one will labour to “ have ” if he is not certain he shall be able to “ hold ”;—A precarious possession would be but a bad encouragement to dangerous voyages and painful occupations ; and no merchant will with zeal and pleasure apply himself to Trade, unless he has a good opinion of the wisdom and conduct of the state, that is to secure his acquisitions;—that it is established on foundations which cannot easily be shaken, nor consequently in danger of any sudden revolution; and as he requires good Laws to protect him from domestic oppressions, so must he no less have a well constituted
internal

internal force to secure him from foreign invasions.

Besides we may allow some degree of reasonable ambition to every honest trader; which stimulates him in his profession, by the hopes he entertains of being qualified by means of his acquisitions, to bear a share one time or other in the government of his Country; But if such a State is despicable abroad, and defenceless at home, how much must this laudable sting and encouragement be diminished; when the government by its ill conduct is got below his ambition, and when long before the happy period of his preeminence can arrive, his Country and his own possessions may have perish'd together?

And if an internal force was ever necessary for the support of Trade, it is now more particularly so, when our numerous and distant colonies demand the protection of our Navies,—when our Commerce is vulnerable in more parts than it was formerly, and our Fleets must leave the head of our dominion, whose defence was once their only occupation, to repel every attack that may be made on the exterior

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parts of it ;—They can no longer parade it in our channel alone ; the most distant coasts of the world demand their service ; and experience convinces us of the necessity of this Dilemma, either that we must establish an internal constitutional force for the defence of our own country, and send forth our Fleets for the protection of our colonies or keep our Navy at home for the preservation of the former, and leave the latter an easy prey to the first enemy that shall seize upon them.

Allow however for once the objection its full force,—“ that such an institution “ would check the commercial disposition “ of our people.”—But would it in such a case be wise to risk the enjoyment of a sufficiency with safety for the sake of some trifling acquisition? shall we give up our security, which was the principal motive of our entering into society, for the interest of our Commerce, which is only the embellishment of it? Was not the design of riches and Trade to enable a community the better to preserve its independence? and shall we therefore cultivate the means to that extravagant degree, as absolutely to destroy the

the end, for which they were established; if we leave our Country defenceless, the more rich it grows, it becomes the more desirable morsel, and tempts (as it were) its enemies to destroy it; Husbandmen and Artificers must turn Soldiers, when the contest is, who shall have the land and merchandise; and though *Plato* and *Aristotle* have justly blamed *Lycurgus* for having instill'd too martial a spirit into the Laws of his Republic; yet they would certainly have pass'd no less a censure on that Lawgiver, who should frame the wisest institutions to make a People free and wealthy, without establishing a proper force for the security of those Enjoyments.

But this objection farther urges, “ that, “ if such an Institution was necessary against “ foreign Invasions; yet by arming the People, they will be made seditious, and “ of course become dangerous to the internal frame of the Government”—I see plainly from whence this apprehension first arose;—Persons, who peruse the history of this Country, but who from an ignorance of its Laws enter not sufficiently into the spirit of its Institutions, have built this

objection on the civil diffensions, which the Barons were once able to raise by means of the Feodal Militia; but it is certain that the People were not as principals concerned in those Wars: not they, but the Barons were seditious: they fought indeed for their respective Lords whenever they called upon them; but it was not from any spirit of Rebellion, it was, because the Law of Tenures commanded, and the necessity of subsistence obliged them; they were sometimes indeed in a most unhappy Dilemma, when the Law of the Crown called them one way, and the obligation of their Fees another; this inconvenience however ought not to be considered as the ill effect of a Militia; but because the command of it was lodged in improper hands: this I allow to be a point of most serious consequence.—As such, I have treated it in the former part of this Discourse,—In the propos'd Plan the command is given to those, who can never use it to the destruction of their Country; over this Militia no undue or dangerous influence can ever be gained; the parts, of which it consists, will be perpetually changing; it is absurd therefore to argue
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against a thing in general, because a particular species of it has through a defect in the institution been converted to illegal purposes; the most sacred things have sometimes been abused; and it would be childish to impute to any instrument the ill effects that may be produced by it, when a madman has got it into his possession.

Look through the Annals of the World, and see if any one instance of a Militia can be produced, that was seditious of itself, or of a People, who when the sword was put into their hands, converted it to their own destruction?—Free States have almost always been subject to commotions, and the same have generally been defended by a Militia; but that the Military Establishments of such a People were the cause of their commotions can never be proved;—the Republic of *Carthage* is a singular instance of a free people, that owed their defence to mercenary soldiers; and yet she was nevertheless fertile in dissensions;—and though *Rome* had as many Soldiers as Citizens, though her Senators and Plebeians had frequent contests for power, where the Balance was unequally adjusted, yet her
 People

People when in the greatest fury, and when driven by injustice almost to despair, never once had recourse to arms; they urged their claims by supplications and secessions; and though disciplined and ready at all times to take up arms in the defence of their Country, they never lifted up a hand against it; for several centuries not a life was lost amidst all their Contentions; and it was not until the nature of their armies was changed, until their legions received pay, were transported into distant Provinces, and never suffered to return to their domestic Occupations, in a word, not until the honest Militia-Men of *Rome* were changed into Standing Forces, that their contests blazed out into civil wars destructive to the Commonwealth.

The Miseries and Oppressions, which some States have suffered from the common sort of armies, have made many absurdly apprehensive, that a Firelock or a red Coat must necessarily alter the disposition of the persons who has them; they do not observe, that these evils have arisen from such only, who have made war their profession; it is the idle and dissolute man-
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ner of living, that alone debauches the Soldier's inclination, when without home, without industry, and without occupation he must subsist either by pay or by plunder; Armies composed of such as these have sometimes enslaved a Nation under pretence of doing themselves justice; our History furnishes a remarkable instance of this kind, which shews clearly what it is that converts a Soldier into a Rebel, and makes him dangerous to his Country. As gallant an army as this Nation ever saw; and which at the same time was particularly stiled the *Modest* and *Self-denying*, consisted of the Youths of *London*, who, though unused to arms and drawn in haste out of Town, gave signal proof of Courage through the whole civil Wars, and at last defeated the Royal Army by one decisive blow at *Naseby*: If this Army of the Parliament, after they had done the business for which they were called out, had been sent back to their Trades, and had only been made use of, as there was occasion for them; they would then have been in the nature of a Militia, and there would have been no danger to have apprehended from them —
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but by keeping them for several years constantly in the field, after the war was over, by training them to idleness, and making them forget their Trades, and depriving them of the common methods of subsistence, they were made not at all the better Soldiers, but became the worse Citizens ; their dispositions were totally perverted ; their modesty changed to presumption ; they grew imperious and seditious ; they refused to go to *Ireland*, though they were commanded ; neither would they be disbanded, though the Parliament had no other occasion for their service, — they petitioned — they remonstrated — they rebelled — and at length destroyed the Authority of that Parliament which at first called them forth, and had performed such wonders by their assistance.

I shall here therefore rest this point, and will only observe, that whatever force there is in this last Objection, it must hold universally against every species of Militia ; for if the people by being armed will be made idle and seditious (and without arming them to some degree, no Militia, I am sure, can be established) it will be a reason
against

against every other Plan that shall be offered; and they who urge it, must be against the principle of a Militia itself, or they do not fully comprehend the force of their own arguments; and when they accuse those as guilty of calumny, who on this account assert, that they are against that Constitutional Principle, they should consider whether they are not themselves in fact the calumniators, and whether their own words do not convict them of the reproach, which they so much dread from the tongues of others.

The next Objection, that I have heard urged against a Constitutional Force of this sort is, " That it is not practicable in this " country ;" let any one reflect that almost all the ancient Governments, and even this Kingdom was once defended by a Militia; let him also observe, that some nations owe at present their protection to it; and he will need no other argument to convince him, that *England* cannot be so peculiarly unfortunate, as to be alone incapable of such an institution; Absolute Monarchies would be glad of such a defence;

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but they seldom have it, because they dare not trust it ; the freedom however of this nation particularly fits it for a Militia ; and shall we then reject an advantage, which the nature of our Government has given us over most of the other states of *Europe* ? But it will be said perhaps that it is only meant, “ that the present Plan is *impracticable* ” — Let a better then be proposed. — I argue not so much for particular schemes as for general Principles ; — or let them assign some reasons for this objection ; I never heard but one, which was, “ *that the gentlemen of the country would not attend to the execution of it :* ” I own, I have a better opinion of my countrymen ; and I am sure, the Impatience they have shewn for such an establishment is a considerable presumption in their favour ; and if they should at length disappoint our expectations, they will shew themselves unworthy our constitution, and disqualified for a state of liberty, and having thus failed in a point so indispensably necessary for the security of a free Government, we had better openly at once resign it ; — but if they should

should in some few particulars neglect their duty, the proposed Scheme has provided an adjutant and forty serjeants to each battalion ; who are to be constantly paid and employed in training the men that are under them ; these will probably be found alone sufficient for that purpose ; and are not many less perhaps, than contribute in reality to the discipline of any one battalion in our service ;—and as to the spirit of these rustic officers, when called into the field, I cannot think that the love of liberty, and the love of their country, are yet become such antiquated notions, and are so entirely foreign to their breasts, that they will not animate their conduct, in the same manner, as they once did the conduct of their ancestors ; and that they will not on a proper occasion awake in them that public-spirited enthusiasm, which inflames the mind, and kindles a glow of courage within it, superior to what the weaker motives of interest or even of honour are able to inspire ; in this respect however, our national character would at

least make us hope, what nothing but future experience can positively determine.

I allow, indeed, that the talents and knowledge which are requisite to form a great General must be as extensive as any of which the human mind is capable—but I cannot think that the profession of a common soldier requires either much genius or application; the rest will easily be acquired, if courage be not wanting; and as nature has endowed mankind with different degrees of it, so nothing contributes more to improve and inflame it, than the hope of rewards and the fear of punishments;---the first of these motives will peculiarly affect the militia-man; the preservation of whose freedom, whose freehold, and whose family will be the consequence and reward of his victories; and if he should not discharge his duty in the time of action, he will be liable equally with the common soldier to all, that the Military Law can inflict; and he will suffer the additional punishment of the loss of all his possessions; for if the public enemy should not happen to seize upon them, the enjoy-

enjoyment will still be lost to him, who must quit them through shame, or live on them with dishonour.

If they, who hold the force of such an establishment in contempt, would but peruse the history of their own country, they would find that the *British* Militia was always famous for a truly martial spirit;—in the battles, where this alone was engaged, a much greater number lost their lives, than what are slain in the less bloody encounters of the present age ; though the engines of war were then by no means so destructive as at present ;—can greater discipline be shewn, than when each man perishes in his rank ? And can we doubt the courage of those armies, whose victories were generally so compleat, that one alone would often prove conclusive in favour of him who obtained it ? Is it that the spirit of our people is decayed ? or are the exercises and evolutions of modern armies more difficult than the ancient ? or is more genius now required to pull a trigger, than formerly to draw a bow-string ? Can we now where at present find that steady, persevering spirit, which

which so much distinguished the *London Militia* at the battle of *Newbury*? and where is now that glowing courage, which enabled fifteen hundred men of *Iniskilling*, almost without arms, to defeat ten thousand regular troops entrench'd in a bog, and take their General prisoner?—I may be thought perhaps to degrade the military art, when I say, that I can see no reason why a country-fellow may not as easily learn to handle his arms, as to play at cricket; and why like this it may not become his diversion; the public games of ancient governments consisted principally of martial entertainments, and why may not the *British* Youth amuse themselves in playing at soldiers, as well as the *Grecian* the *Roman*?

All the heroic acts, with which the histories of those Commonwealths abound, were performed by Militias; they did not find it impossible to discipline their own citizens; and yet, if we may believe the modern writers on the art of war, the Tactics of those states had more of genius, and were more refined than the present;—
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most of the nations also of *Europe* were till within these three centuries defended by Militias ;—and did not *Holland*, when her own citizens were obliged to be trained, defend herself against the power of *Spain*? Could the arms of *Philip*, conducted by *the genius* of the Prince of *Parma*, ever penetrate far into *her* country? and did not the sieges of *Harlaem*, *Alcamar*, and *Leyden*, when they were garrisoned only by their own Burghers, break the Spirit of the *Spanish* veterans? and yet this very country was over-run and most of her towns taken in the space of a month, in the year 1672, when the defence thereof was entrusted to 25000 mercenaries :—It is useless to cite any more examples;—the very origin of standing forces shews that they were not thought indispensably necessary for the defence of a country ; they were first raised to suppress rebellious subjects, to command the unwilling subjection of distant and oppressed provinces—or to extend the conquests of some aspiring Prince into distant countries, for which he could not legally command the service of the Militia.

I shall leave it to persons, who are skilled in military knowledge, to determine, whether the precise number of days that are appointed by this Plan for the training this Body of Men, is sufficient ;—if they are not, I am sure they ought to be augmented ; and the consideration of some trifling expence, or some little loss in trade, ought not to be put in the balance against Security. The rotation, however, that is proposed, seems to be so far from being an Objection, that Marshal *Saxe*, in his *Reveries*, has described a method something like this, as the best way of recruiting the *French* army ; he recommends that the whole People of *France* should be obliged to serve for five years by turns ; this he thinks would be the most probable means of procuring good soldiers ; neither does he imply the least doubt from the short time which each individual would in such a case serve, that there would be any defect in the discipline of such an army. But I am still more inclined to think, that the Regulations of the proposed Plan are fully adequate to the purposes, for which they
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are intended ; as they exactly correspond with the rules of the best regulated Militia, that at present subsists in *Europe*. The regulations of *Switzerland*, and the proposed Plan agree in forming the Militia of Part only of the people, and recruiting it out of the remainder.

Both allow Pay in the Time alone of Service, with this only difference, that the *Swiss* give their Officers double Pay for the first month, to enable them to purchase their Field-Equipages ; and this amendment might not be improperly adopted into our Plan—Both agree in cloathing their Militias in a Uniform—in providing a public Depository for their arms—in exercising them after divine Service on *Sundays*—and in teaching them to hit a mark by shooting at Butts.

The *Swiss* have an Officer called a Commissioner of Arms ; whose employment is much the same, as that of the Adjutant in our Plan ;—both are to ride from one Company to another, to see that the Men are properly trained, and that they take proper care of their Arms and Accoutrements ;—the *Swiss* have a superior Officer, called a

Grand Major over every District, whose employment resembles that of the Lord-Lieutenants of our Counties, both command the Militia of their respective Divisions—are obliged at certain times to review them—and to see that all inferior officers discharge their duty.

Upon the whole, the two Plans differ only in a few particulars, in which the *English* one seems to have the advantage.

Four Serjeants are to be appointed to each Company of the *English* Militia, and are to be veteran Soldiers draughted out of the regular Corps; these are to be constantly paid, that they may the better attend to the training of the common men;—nothing of this sort can be found among the *Swiss* regulations.

The *Swiss* find their own arms, the *English* are to be supplied by the Public; the latter will probably by this means be better and more uniformly armed.—The *Swiss* have several regulations for giving a sudden alarm in case of an unexpected Invasion, and for calling their Militia on any emergency together; but our happy Situation, as an Island, renders all care of this sort un-

unnecessary, and puts it out of the power of an Enemy to make any considerable attempt upon us, without our having notice sufficient to be prepared for it.

It is by means of such an Institution as this, that the little country of *Switzerland* is able to call together fourscore thousand brave men at all times for its defence ; and so small is the charge of maintaining them, that although the People of this Republic are less loaded with Taxes than those of any part of the world beside ; yet they are able to save out of their common Revenue a considerable sum of money yearly ; which they keep in their Treasuries against any emergent occasion ; and the surprizing acts of valour, which this Militia has performed, have induced an ingenious Writer to draw a parallel between the military Atchievements of this little Collection of Cantons, and those of the free States of *Greece* :—He puts in competition with the Battle of *Marathon*, that of *Morgarten*, where 1300 *Swiss* routed the Army of the Arch-Duke *Leopold* consisting of 20,000 men, and killed twice their own number :—He considers the Action of *Sempach*, where the same Arch-

Duke lost his life, and 20,000 of his men were routed by 1600 *Swiss*, as a more surprising Victory than that of *Platea*;—and to crown all, the Battle that was fought in the Pass of *Wesen*, in the Canton of *Glaris*, is a Copy that exceeds its Original which was fought at *Thermopylae*; for as 300 *Spartans* tried to repel the army of *Persia* in those Streights and all perished in the attempt; so in such another Defile, 350 *Swiss* attacked at least 8000 *Austrians*, and gained the Field of Battle.—It is surprising, says this Author, what a Spirit the remembrance of this Action instils into this People; they yearly celebrate it by a public Procession on the Spot where it was fought; and where eleven Pillars, erected for that purpose, shew the Places where these Heroes eleven times rallied; at each Pillar they offer up Thanks to God, and when they come to the last, one of their best Orators makes a Panegyric in Praise of these three hundred and fifty men, and at the end of his Oration reads a List of their Names in the same manner, as the *Spartans* had the Names of those, who fell at *Thermopylae*, carved on Brass, to transmit their Fame to Posterity.

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Shall we after this therefore laugh at a Militia?—call it an undisciplined Mob?—And think it useless for the defence of our Country?—I wish only that they, who are guilty of this ridicule, may on the like occasions behave no worse than these *Swiss*;—or because arbitrary Princes have for these three last centuries neglected their Militias, and for their own views render'd them purposely useless and undisciplined; shall we therefore conclude, that no regulations can bring them back to their antient perfection, or make them again serviceable?—Or shall we more absurdly argue, that the same rules that make a Militia regular and well disciplined in *Switzerland*, will be unsuccessful in *England*, and that the same causes will not produce the same effects in one Country as well as another?

“ But it may further perhaps be urged,
 “ that a Militia is unnecessary since we
 “ may be better defended by augmenting
 “ our National Army, or by hiring foreign
 “ troops”—I shall answer plainly to this
 “ objection, that both these methods are
 “ dangerous and unconstitutional,”—I entertain not those absurd apprehensions of a
 standing

standing Army, that possess some People, neither do I think that 20,000 soldiers of that sort could ever be destructive to our Constitution; but I am confident, that an Army may be so far augmented as to become destructive;—I entertain also the highest opinion of the Officers of our present Army; I believe them to have as warm a regard for their Country as any Native whatsoever; many of them are men of Property, others are heirs or allied to families of Property, and would lose as much in the general wreck as any; but I am sure, that these gentlemen will agree with me, that in some future century it might be possible to alter and model such an army, and make it consist of Persons not so public-spirited as themselves; and if its numbers should happen at that time to be considerably augmented, no more perhaps, than what would be absolutely necessary for our security against a Foreign Invader; I should then (if I chanced to live in such an age) be seriously apprehensive indeed for the liberties of my country;—so that we are in this Dilemma either to keep our Army so low, as to be inadequate to the purposes
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for which it is intended,—or to raise it so high as to make it one time or other dangerous to our Constitution; for certain it is, that any number of Troops which will be sufficient to repel the strength of *France*, will have the Power, if they should have the Inclination, to enslave us; and that they who can defeat them, who would otherwise be superior to us, must necessarily have this country at their mercy.—Or if it was possible to suppose that an Army thus modelled and powerful could not be induced to defeat by one hasty blow the public-spirited labours of so many Centuries, and that it would be even wise in a free People to rely on their virtue in this particular—may we not still have reason to apprehend, that by the influence and dependance of so large a body, an interest may be created, dangerous and repugnant to the spirit of our Government;—which may direct the Legislature in an improper manner, though it may not at once subvert it;—which will operate insensibly to our destruction; and, though less violent in its progress than the former Evil; will be no less fatal to the Constitution.

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Here indeed it may justly be replied, that these dangers are very far remote, and that we are not only secure at present from any apprehensions of this kind, but that we also possess a large stock of freedom in reversion ;—since there is an Heir to the Crown, whom nature has adorned with virtues, peculiarly calculated to make the people of this Country hereafter happy, and who will prolong for many years the free spirit of his grandfather's government:—But it is the duty of an *Englishman* to be even timidly suspicious in the concerns of his liberty, and to labour for its continuance in his most remote posterity—To accept with gratitude the favours of good Princes, but to secure himself with caution against the oppressions of the bad——And shall we not be careless Guardians of our Country's Rights, if lulled asleep by some temporary advantage, we should not descry a distant danger, or through indolence should not labour to prevent it?

But if there was no danger in this method, the expence of it is alone a sufficient reason to reject it: A Militia consisting of upwards of 60,000 men will cost one year with another
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under 160,000 l, and will put the Nation to no further charge but only during the time of an actual invasion :——A regular standing force of the same number will exceed two millions a year—8000 *Hessians*, with all the concomitant expences, for this summer's service only, will cost near 800,000 l. and the whole of the expence of the land forces for this year (though we shall have acted every where on the defensive) will probably exceed three millions ; and though the establishment of this year will not be equal to the number proposed by a Militia by several thousands, it will surpass it in expence by almost twenty times the sum ; —I calculate only in the gross, for my argument does not require exactness ; since the experience of last winter, and the difficulties which our ministers found to discover new Taxes, on which to borrow the money, plainly proves that we shall not long be able in the time of war alone to raise a much less sum, than these calculations require ; and we ought to be at the same expence to keep up these troops in the time of peace, if we mean to have them always ready, and to be totally freed from all apprehensions ; the most ignorant

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however must know that a constant charge of this sort is beyond the abilities of this exhausted Country: This alone would be sufficient for its destruction, and would save its enemies the trouble of an invasion.

But let us suppose, "that there would be
 " no need of maintaining these troops but
 " in time of war, and that they might be
 " raised just as occasion requires."——But would they for that reason be the less dangerous to our Constitution? Is it not at the evening of a war that those fatal strokes are generally given, when an army flushed with its victories, and proud of its achievements, thinks its own merits never sufficiently rewarded, and dreads its approaching dissolution?—And is the charge of new levies so very inconsiderable? Which *Monticuculi* (who understood the detail of these things better than any man) observed to be so great, that he advised his master on the principle of œconomy to keep the same number of forces always on foot, rather than be at the expence of raising them afresh at the commencement of every war; and would it not in such a situation be in the power of our enemies by a pretended alarm to force us into such an expence, when—

whenever they pleased ; and almost to terrify us into our destruction, and to make us like some timid animal run ourselves down with fright, when perhaps no real danger is near us?—And after all, can we esteem these new levies, raised in haste and collected out of the dregs of the people, preferable to, or better disciplined than a National Militia, who will at least have learned something of their business, before they are called into service ? I fear, indeed, that it is the inexperience of these new levies, that makes *England* seldom successful at the beginning of a war ; and that it is the great expence which they cost, and the great burden, which a Minister must necessarily lie under on such an occasion, that makes him never enter into a War so soon as the interest of his Country requires.

What a wretched fluttering thing is a *British* Minister at the eve of a war ? More afraid of his private enemies than those of his Country ; he delays engaging with the one, that he may avoid the attack of the other ; and that he may keep his own power the longer unmolested, he lets the power of his Country be diminished, and her honour be insulted—at length, when

the enemy have had time to carry their point; and have already got possession of what is contended for, compelled by clamour, he plunges into a war:—Confounded and irresolute he now pretends to guide the Helm of a great State through the storm with hardly his own wits about him—his first study and expence is to protect the Continent—his second to preserve himself,—his last to defend his country—he is at a vast charge for new levies, which will be raised, when they are no longer wanted; and disciplined, by that time, they are to be broken;—and under the pretence of a necessity of his own creation he detains the *British* Fleet in port, after having expended millions in equipping it with cannon, that are never to fire, and sails, that are never to be unfurled,—Is this the art of government? This senseless, destructive, ill-concerted piece of confusion? And shall we prefer this to a Constitutional Internal Force, on which a regular plan of action may be formed, which will make us always secure at home, and enable us to be victorious abroad?

One more method of defence remains to be considered, which is that in which we

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at present place our trust, “ the defence of
 “ foreign Mercenaries.” The expence of
 these would alone be a sufficient objection
 to them, which is greater in every parti-
 cular, than the charge of a standing army
 of native soldiers ; for besides their sub-
 sistence, which they receive at the same
 rate as our National troops, we pay for
 them subsidy-money,—levy-money,—trans-
 porting-money,— recruiting-money ;—
 every one of which Articles are carried to
 a vast height ; and for some of them we
 pay double what they cost the Prince
 who supplies them ;—but the more mate-
 rial argument against them is, that they are
 more dangerous even than a standing army
 can be to our Constitution ;—I shall here
 speak with caution ; for if I was to urge all
 the objections, which might be brought
 against troops of this sort, especially at a
 time, when we are under the unhappy ne-
 cessity of employing them, I may appear
 perhaps (what I am sure is not my inten-
 tion) desirous of inflaming ; my country-
 men may form some idea of their danger
 from one or two instances in their own
 history—troops of this sort have always been
 unuseful or dangerous, to whoever em-
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ploys them; their conduct at first has generally been peaceable and ensnaring—at last seditious and destructive; and those states, that have carried the points, which they intended by their assistance, have usually in the event been enslaved by them; *Machiavelli* speaks fully on this point, “ le
 “ Mercenarie, sono inutili & pericolose,
 “ & se uno huomo tiene lo stato suo fondato in su l’armi Mecenarie non sarà
 “ mai fermo ne sicuro,” and afterwards he assigns the reason “ la cagione di questo,
 “ e, che non hanno altro amore ne altra
 “ cagione le tenga in campo, che un poco
 “ di stipendio, ilquale non è sufficiente a
 “ fare, che ei voglino morire per te.” And after having produced a great number of examples out of the history of the *Italian* states, to prove this, he concludes “ & fu
 “ sempre opinione & sententia degli huomini
 “ savii, che niente sia così infermo &
 “ instabile, comé la fama della potenza non
 “ fondata nelle ferze proprie.” There is also a farther reason, which *Machiavelli* was not aware of, that particularly disqualifies a free people for any army of this nature;—the unreasonable jealousies which such a Nation will contract concerning them, and
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the ill treatment they will in consequence thereof perhaps shew to them, may provoke the most regular and best disciplined troops to do that through resentment, which through inclination they never intended; never surely did troops behave themselves with more exact discipline than those which our Legislature has thought proper to invite at present to our assistance; and yet I would ask the good-natured part of my Countrymen, whether, on this occasion, their own ardent and laudable love of liberty, through a mistake in the application of it, has not trespassed a little on their humanity? — And if all the above arguments were insufficient; it is certainly beneath the dignity of a great and independent Nation to rely upon those for its defence, whom they are not sure, they can always obtain, when they want them,—or even keep, when their service is most required.

It remains therefore that a National Militia is the only defence, on which this country can safely rely, or which it can afford to keep; the constant charge of this will be immaterial, and then we shall only be obliged to part with any considerable sum for its support, when the safety of the Whole is

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in danger ; and if we at the same time keep up our standing Force to something more than the present Establishment in time of peace, these two bodies would be a mutual aid and check to each other ; the last would be in the nature of the old feudal Militia, and would more immediately be under the command of the Crown ; the first would resemble the old National Militia, and would in a more especial manner be the Army of the Legislature—the one would repel any sudden insult ; the other any premeditated Invasion—the one might on a proper occasion carry the glory of our Arms into distant Countries ; the other shew the stability of them at home ; —the one would be our offensive Arms ; the other our defensive ; —the one would be the sword of the Commonwealth ; the other its impenetrable Buckler ; and both together would form one uniform plan of Government, which would make us hardly sensible of the confusions of war, and reduce it almost to the calmness of peace ; —the same steady, manly, regular, conduct would appear in both ; every temporary, and violent expedient would be made

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unnecessary ; the exorbitance of Taxes would in time be reduced ; and we should then no longer be obliged to augment a debt, till at last it destroys us,---though perhaps in the midst of successes ; which makes us in fact always weaker by our Conquests, and poorer by our Acquisitions ; and war would then no more be a Fever of the State, which, let the event be good or bad, has constantly preyed on the vitals of this Country.

Upon the whole therefore, if it has been sufficiently proved, that in the Plan, which was last year proposed for establishing a National Militia, the command of it was placed in such hands, as the Principles of our Constitution require,---that the trade of this Country will not be diminished at all by such an Institution ; or if at all, no more than what is absolutely necessary for the security of the remainder---that the scheme itself is capable of execution, and will in the event prove adequate to the purposes for which it was intended ;---that the danger, without it, is imminent, and consequently the necessity of it apparent ; I flatter myself that no farther arguments need

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be brought in support of this Plan.—I hope therefore that every lover of his Country will concur in promoting it in this Session of the *British* Parliament; it cannot perhaps be brought in the first instance to perfection; whoever has perused our Statute Books must have observed, that every one of our Institutions advanced gradually by various Laws and frequent amendments to their present State;---with what zeal will a wise Minister encourage a scheme, which will render all his future Toils pleasant and prosperous?—And ought not all parties (who equally pretend the good of the whole to be their object) to join in embracing a Design, on which the safety of the whole depends---Lest therefore we should betray our want of that public Spirit, which we all so loudly profess, by rejecting the only means of preservation at this important Crisis, on account of some necessary trouble in the execution, and lest we should thereby expose those sacred trusts, in defence of which our Ancestors fought and fell, and which are now consigned to our care for the sake of ourselves and our posterity.—Let us, like the cham-
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pion of *Israel*, reject the arms of another, for like him we have tried them; they never can properly fit, and their weight may perhaps oppress us, but with our own staves and our own weapons let us destroy the enemy that defies us.

Other inducements might still be urged in support of this Plan, if I was inclined to shew at large the Misfortunes of my Country at a time, when many too much despair already of its Situation;—its natives though by nature brave, are now despised and dejected—Though wealthy, it is brought into Distress—though powerful, it is become contemptible—its Fleets, though more numerous than at any Period of our History, are now no longer victorious,—and its wealthy and populous Colonies are every where insulted and invaded by the less powerful Settlements of its Enemies;—a fatal Charm seems to possess it, and defeats every advantage which the bountiful Hand of Nature has bestowed upon it.—This melancholy Prospect has made some Persons entertain a Sentiment unworthy of a *British* Spirit, that the Power of this Nation is so far unequal to that of *France*, that we must submit to any Terms of Peace,

which our Rival shall impose upon us.— Shall we, who have voluntarily entered into so many Wars to support the Independency of other Nations, at present despond of our own ? and are we doom'd now only to feel ourselves weak, when it is our own Cause, in which we are to fight, and our own Country which demands our protection ?— The want of Power is not the Cause of our Misfortunes, it is the want only of a proper Method of exerting it ;—this Nation has now more than double the Strength which it had in the memorable Year 1588 ; and the House of *Austria* was not then less powerful, than that of *Bourbon* is at present ; we were able however at that Period to secure our own Coasts, to annoy those of the Enemy, to defeat his Fleets and destroy his Settlements in the *Indies* ; let us now therefore shew the same Wisdom, and exert the same Spirit, and we shall extricate ourselves from our present Difficulties not only with Safety but with Honour ; our first Point must be to secure ourselves at home : This Effect can alone be produced by the Establishment of a NATIONAL FORCE SUFFICIENT FOR OUR DEFENCE, BUT NO WAYS REPUGNANT TO THE SPIRIT OF OUR CON-
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STITUTION—a Constitution, which having been preserved (though much in ruins) by Providential Events from the encroaching Spirit of the *Tudors*,—and again rescued by the virtue of our Ancestors from the more hasty Violations of the *Stuarts*, has now survived for almost 70 years, repaired, improved, but not wholly perfect ; its civil Institutions have been largely and wisely consider'd,—its military Establishments have been totally neglected ; and it has paid most dearly for the Neglect, by Losses, by Debts, by Panics, by Dishonour ;——its case is not as yet however totally irretrievable ; it may still be able to subsist in its present unnatural Course, until its Institutions have taken effect, provided it hastens their Accomplishment ; but they will require all our Wisdom in the Contrivance, and all our Vigour in the Execution ; and if the Ingratitude of those, whom we endeavour to serve, should sometimes make our labours unpleasant, we must remember, that the End we seek is the Preservation of our Country.—When this Island was frequently plundered and almost conquered by the *Danes*, the perfidious invaders of ancient times, the Cause of it was, that a proper Attention had not
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been paid to the discipline of the *Saxon Militia*; and it is recorded among the wise Institutions of the virtuous *Alfred*, that by new Regulations he brought back this once martial Body to its first State of Perfection, and thereby relieved his Kingdoms from the fury of *Danish* Incurfions. — HE, who now bears the Scepter of *Alfred*, hath also recommended the same Design to us, and hath graciously espoused the Desires of his People: — Let this then be the Basis, on which all our future Schemes of Polity may be erected: Such an Institution will carry more permanent Terror to our Enemies, and bring more true Honour to ourselves than the acquisition of the most compleat Victory. — It will make us for ever victorious, and will raise a defenceless and dispirited Nation into a State of Security and Glory superior to any of its Neighbours.

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